

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KEITH BURNS,

Plaintiff,

v.

No.: 3:08-cv-60
(VARLAN/GUYTON)

LARRY WATERS, et al.,

Defendants.

MEMORANDUM OPINION

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On April 30, 2008, the court set this matter for trial. Plaintiff's copy of the scheduling order, which was mailed to him at his last known address of the Sevier County Jail, was returned undelivered on May 8, 2008, with the notation "RTS/Not Here." In the court's initial order, plaintiff was ordered to inform the court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court **CERTIFIES** that any appeal from

this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App.

P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE